

Message

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**Subject:** Noteworthy news story and citizen letter on CFAC  
**Attachments:** a-letter-to-zi (2).pdf

Shaun- CFAC/SF article linked and pasted below, letter in response to Zinke is PDF attachment.

<http://flatheadbeacon.com/2015/03/31/superfund-success-story-or-stigma/>

## Superfund: Success Story or Stigma?

With EPA's decision to propose the CFAC site for Superfund cleanup, debate begins on federal program's success

BY TRISTAN SCOTT // MAR 31, 2015 // [NEWS & FEATURES](#)



Columbia Falls Aluminum Company on March 5, 2015. Greg Lindstrom | Flathead Beacon  
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The U.S. Environmental Protection Agency's decision to propose the Columbia Falls Aluminum Company as a federal Superfund site prompted praise and commendation from local business leaders, the governor and Montana's senior U.S. Senator.

Not surprisingly, company officials balked at the proposed listing, calling the Superfund program ineffective, improvident and stigmatizing.

"Listing on the NPL has not resulted in expeditious cleanups. In the last 31 years, the EPA has listed 18 sites in Montana on the NPL and none have been removed," wrote Cheryl Driscoll, CFAC's corporate secretary. "Listing on the NPL can stigmatize a property and prevent others from seeking to redevelop the site and thus potentially limit economic growth in Flathead County."

What did surprise civic and business leaders in Columbia Falls were two letters from U.S. Rep. Ryan Zinke to the EPA and Gov. Steve Bullock reiterating the company's stance in lockstep and encouraging the federal agency not to list the site on the Superfund program's National Priorities List (NPL).

"Historically, NPL listings in Montana have not resulted in expeditious resolutions; instead, they have faced excessive delays and bureaucracy," the Whitefish Congressman wrote in his letter. "Our state has 18 Superfund sites, yet not a single one has been removed in the life of the program."

Zinke said Superfund projects notoriously go over budget and taxpayers end up bearing the financial burden, despite the program's "polluter pays" principle that is the keystone of Superfund.

But just because a site isn't deleted from the NPL doesn't mean it's not clean, said Rob Parker, a site assessment manager with the EPA.

Examples of sites that have gone through stages of cleanup without being delisted include the Anaconda Smelter site, the Silver Bow Creek site in Butte and the Milltown Reservoir Sediment site near Missoula.

A portion of the Anaconda site was redeveloped into a Jack Nicklaus golf course 20 years ago, called the Old Works Golf Course. The Silver Bow Creek site has led to the development of parks, trails, restored wetlands and a cutthroat fishery.

A portion of the Milltown Reservoir Sediments site has been transferred to the state for development of a multi-hundred acre state park as the cleanup continues.

"The key thing is that although all three of these sites remain on the Superfund National Priorities List, a lot of environmental clean up work has already taken place at each site," Parker said. "Each site has gone through stages of cleanup followed by redevelopment while still on the National Priorities List. These sites are examples where cleanup leads to the dual benefit of reducing risk to human health and the environment while fostering redevelopment and re-use potential before the site is deleted from the National Priorities List."

CFAC's owner, Glencore, the largest commodities trading group in the world, closed the plant in 2009, citing high electricity rates and poor aluminum market conditions. For the past six years, only a handful of employees have remained on site to maintain the mothballed 800-acre facility, which sits on a 2,500-acre property.

And while the company insists it's committed to a "long term, sustainable solution" for the shuttered plant, U.S. Sen. Jon Tester said he's dubious of Glencore's intentions, particularly after spending years trying to broker a deal that would allow the plant to reopen.

“It’s a bit Polyanna to think that this company is going to clean it up because every time I cut a deal they have turned it down,” Tester said at the meeting. “The EPA is seen as a boogie man,” Tester said, “but as long as [the contaminated property] sits in the condition that it’s in, it’s more of a black eye for this community.”

Pat Munday, a professor at Montana Tech in Butte, is a historian who for years studied the political and social dynamics surrounding Superfund operations. He said that although the program is imperfect and can lead to delays, it has been extremely effective at holding corporations accountable.

“The corporate stance is always that they don’t want Superfund involved because they want the cheapest possible solutions,” Munday said. “You look at what happens when corporations do lead the cleanup and they are often far more guilty of delaying the process than the EPA. But once Superfund is involved there are pretty rigorous human health and environmental standards that kick in. It’s far from a perfect process and I have been critical of it in the past, but it is far better to have agency oversight than it is to allow and trust corporations to do it on their own.”

Munday said a national model of Superfund success sits in his backyard in Butte – a 27-mile stretch of the once toxic Silver Bow Creek that was used as a conduit for mining, smelting, industrial and municipal wastes for more than a century.

After 16 years of cleanup, the site is nearing completion.

That Superfund project was funded with a cash-out from Atlantic Richfield Co. in 1998. That means ARCO gave the state \$87 million to oversee the remediation effort.

“This has been a superb cleanup. They have hauled away a tremendous amount of tailings, the stream was completely rebuilt, the natural resources have been returned to full recreational use, and now they have a native cutthroat fishery. That’s pretty significant given how badly contaminated it was,” Munday said.

“Sure, there were delays,” he added. “But it takes 50 to 100 years to create these Superfund sites so it takes a fair amount of time and work to characterize them so that you know what you’re dealing with.”

Munday also said the cleanup was a good demonstration of the polluter pays principle, as is the ongoing cleanup of the Whitefish River and Burlington Northern Railway site in Whitefish, where Zinke is from.

Regarding CFAC, EPA will first look to identify “Potentially Responsible Parties” who are liable for the cleanup effort. If the parties are unwilling to do the work under a legally binding agreement, EPA will look to other authorities, including completing the work and then recovering the costs from the responsible parties through litigation.

Munday said in the case of CFAC, Glencore will have to foot the bill, not the taxpayers.

“Glencore is on the hook,” he said. “When you buy a company you buy the environmental liabilities associated with it.”